

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ALLSTATE INSURANCE COMPANY,
ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY,
ALLSTATE INDEMNITY COMPANY, AND
ALLSTATE FIRE & CASUALTY INSURANCE
COMPANY,

Plaintiffs,

vs.

NEW CENTURY PHARMACY INC.,
REFILL RX PHARMACY INC,
MY RX PHARMACY, INC.,
DIRECT RX PHARMACY INC,
EDUARD ARONOV,
KATRIN MATATOV,
ALEXANDER SHARAFYAN,
BORIS KANDOV,
RAFO YAGUDA f/k/a RAFAIL YAGUDAYEV,
FIRST CLASS MEDICAL, P.C.,
NY MEDICAL ARTS, P.C.,
RICHMOND MEDICAL CARE P.C.,
GONY MEDICAL SERVICES P.C.,
LIFE HEALTH CARE MEDICAL, P.C.,
MANI USHYAROV, D.O.,
AMR A. EL-SANDUBY, M.D.,
JEAN-PIERRE GEORGES BARAKAT, M.D.,
TOMAS M. PATTUGALAN, JR., M.D., AND
RAFAEL ANTONIO DELACRUZ-GOMEZ, M.D.,

Defendants.

C.A. No. 1:19-cv-05702-ENV-VMS

DECLARATION IN SUPPORT OF REQUEST TO ENTER DEFAULT

I, Shauna L. Sullivan, declare under the pains and penalties of perjury that:

1. I am a shareholder of Smith & Brink, P.C., counsel to Plaintiffs Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, and Allstate Fire & Casualty Insurance Company, (collectively, “Allstate”) in this action.

2. On October 23, 2019, Gina Eannucci properly served the Summons and Complaint (ECF No. 1) in this action on Defendant Rafael Antonio Delacruz-Gomez, M.D.

3. Service of the Summons and Complaint was made in accordance with the provisions of Fed. R. Civ. P. 4, and Allstate certified that fact to this Court in an Affidavit of Service. The Affidavit of Service was duly filed with this Court on October 28, 2019. *See* ECF No. 26.

4. Defendant Rafael Antonio Delacruz-Gomez, M.D. has failed to serve and/or file an answer, or otherwise respond to the Complaint.

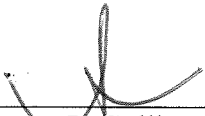
5. Under Fed. R. Civ. P. 12(a)(1)(A), the time limit for Defendant Rafael Antonio Delacruz-Gomez, M.D. to respond to the Complaint has now expired, and the time for Defendant Rafael Antonio Delacruz-Gomez, M.D. to respond has not been extended by any stipulation of the parties or any order of the Court.

6. Defendant Rafael Antonio Delacruz-Gomez, M.D. is not an infant or an incompetent person nor is he presently in the military service of the United States.

7. Accordingly, Allstate respectfully requests that default be entered against Defendant Rafael Antonio Delacruz-Gomez, M.D.

I declare under the pains and penalties of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Executed on December 13, 2019



Shauna L. Sullivan (SS5624)

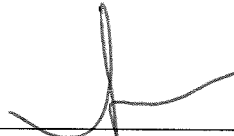
CERTIFICATE OF SERVICE

I, Shauna L. Sullivan, hereby certify that on this 13th day of December 2019, I caused to be served, via UPS Two Day Air Delivery (postage pre-paid), copies of the following documents to each of the parties listed below:

- Request to Enter Default Against Rafael Antonio Delacruz-Gomez, M.D.;
- Declaration in Support of Request to Enter Default Against Rafael Antonio Delacruz-Gomez, M.D.; and
- Clerk's Certificate

Rafael Antonio Delacruz-Gomez, M.D. 1570 McDonald Street, Apt 2B Bronx, NY 10461	Lance Lazzaro Lazzaro Law Firm, P.C. 360 Court St., Suite 3 Brooklyn, NY 11231
Nicholas Paul Bowers Gary Tsirelman, P.C. 129 Livingston Street Brooklyn, NY 11201	Matthew J. Conroy Schwartz, Conroy & Hack, PC 666 Old Country Road, Suite 900 Garden City, NY 11530
Charles H. Horn The Russell Friedman Law Group, LLP 3000 Marcus Avenue, Suite 2E03 Lake Success, NY 11042	Life Health Care Medical, P.C. 852 Avenue Z Brooklyn, NY 11235

Date: December 13, 2019



 Shauna L. Sullivan